

**REMARKS**

Claims 27 and 28 are added, and therefore claims 14 to 28 are pending in the present application.

Reconsideration is respectfully requested based on the following.

Claims 14 to 26 were rejected under 35 U.S.C. § 103(a) as obvious over German Patent No. DE 10153484 (the “Gilge” reference) in view of Local Area Networks Architectures and Implementations (the “Martin” reference).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Still further, prior art references must be considered as a whole, including portions that teach away from the claimed subject matter. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983). Furthermore, *prima facie* obviousness cannot be established based on a modification of a reference that destroys the intent, purpose, or function of the invention disclosed in the reference, since there is no suggestion or motivation

to make the proposed modification. See *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

While the rejections may not be agreed with, to facilitate matters, claim 14 has been amended to provide for *a plurality of signal processors and an evaluation device configured to analyze output of at least a subset of the signal processors, the evaluation device and the at least a subset of the signal processors each forming a link in a network have a star-shaped topology.*

The Final Office Action conclusorily asserts that it would be obvious to implement the presently claimed subject matter using a local area network (LAN), since the “Martin” reference discusses the use of LANs in alarm systems. To reach this conclusion, the Final Office Action conclusorily asserts that the presently claimed subject matter is analogous to alarm systems mentioned in the “Martin” reference, which are only mentioned in passing. The “Martin” reference does not mention which alarm systems are amenable to LAN implementation. Clearly, it cannot be the case that *all* alarm systems can be implemented with a LAN. Thus, based on the “Martin” reference alone, it is unclear why one skilled in the art would choose to implement an alarm system with a LAN.

The Final Office Action’s analysis is flawed for another reason: to establish a *prima facie* case of obviousness, it is necessary to show why one of ordinary skill in the art would be motivated to combine the elements of the *prior art*. In contrast, the Final Office Action’s query is whether there is motivation to implement the presently claimed subject matter using a LAN. A more appropriate question would be to ask whether there is motivation to combine the system of the “Gilge” reference with the teachings of the “Martin” reference. The presently claimed subject matter and the “Gilge” system are not the same, nor do their elements necessarily function in the same way. Therefore, it is clearly erroneous to substitute the presently claimed subject matter for the “Gilge” reference when determining whether there is sufficient motivation to combine.

Related to the question of whether it would be obvious to combine the “Gilge” reference with the “Martin” reference, Applicant notes that the use of LANs was known at the time of the “Gilge” reference. For example, the “Gilge” reference mentions that a digital network 36 may be implemented as a LAN (column 6, lines 53 to 60). If the implementation of a LAN-based alarm system as provided for in the context of claim 14 were obvious, it would have been a simple matter to modify the elements of the “Gilge” reference to yield

“predictable results” in view of that which was known in the art at the time of the “Gilge” reference. However, the fact that a span of years separates the “Gilge” reference from the presently claimed subject matter is strong evidence in favor of non-obviousness and, in particular, non-predictable results.

The Final Office Action also erroneously assumes that the “Martin” reference is fully enabling. It is implicitly assumed that one of ordinary skill in the art, after reading the “Martin” reference, would be able to modify the “Gilge” reference so as to construct the presently claimed subject matter. However, this assumption cannot hold, because it ignores issues one of ordinary skill in the art would be confronted with, such as, e.g., which elements of the “Gilge” reference to select for arrangement in a network and which elements to leave out of the network, how to arrange the network elements in relation to each other, and the functionality of the network elements. Accordingly, it is respectfully submitted that the “Martin” reference is insufficient to enable one of ordinary skill in the art to construct the presently claimed subject matter, as provided for in the context of claim 14.

Based on these reasons, it is respectfully submitted that the “Martin” reference does not cure the deficiencies of the primary “Gilge” reference, so that one skilled in the art would not be motivated to combine these references.

For at least the above reasons, claim 14 is allowable. Claims 15 to 26 depend from claim 14, and therefore are allowable for at least the same reasons as claim 14.

New claims 27 and 28 do not add any new matter and are supported by the present application, including the specification. Claims 27 and 28 depend from claim 14, and are therefore allowable for the same reasons. Additionally, claims 27 and 28 recite additional features which are simply not disclosed or suggested by the applied references.

In sum, claims 14 to 28 are allowable.

**Conclusion**

In view of the foregoing, it is respectfully submitted that all of presently pending claims 14 to 28 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. All issues raised by the Examiner have been addressed, so that an early and favorable action on the merits is respectfully requested.

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Respectfully submitted,

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